

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

SWATCH S.A. (SWATCH A.G.) (SWATCH LTD.) and  
OMEGA S.A.,

Plaintiffs,

- against -

GIFTPORTS, INC., d/b/a JOMASHOP DOING  
BUSINESS ON THE INTERNET AS  
JOMASHOP.COM and ZUCKER'S GIFTS, INC. d/b/a  
JOMASHOP DOING BUSINESS ON THE INTERNET  
AS JOMASHOP.COM and ABC CORP. 1 through 10,

Defendants.

Civil Action No.  
09 Civ. 3981 (RRM) (SMG)

ECF Case

**STIPULATED AMENDED  
CASE MANAGEMENT ORDER**

In accordance with the Court's Minute Entry following the November 16, 2010 conference before Magistrate Judge Steven M. Gold, it is hereby STIPULATED AND AGREED, by and between the undersigned counsel for the parties, as follows:

1. By December 17, 2010, Defendants will provide Plaintiffs with an amended pleading containing a newly pled Fourth and Fifth Affirmative Defense. Defendants either shall file the amended pleading under seal, or, alternatively shall serve Plaintiffs and the Court with the amended pleading. In the latter event, Plaintiffs shall have 10 days in which state objections, if any, to the amended pleading's public filing.

2. By December 15, 2010, Defendants will produce to Plaintiffs any invoices, dated from January 1, 2006 through September 15, 2009, not already produced and reflecting Defendants' purchase of any of the 15 models of OMEGA and/or SWATCH watch identified in the Complaint. Plaintiffs reserve the right to request production of invoices dated after September 15, 2009.

3. Defendants will serve a non-party subpoena for documents upon Counterclaim Defendant Swatch Group (U.S.), Inc. by December 15, 2010. Plaintiffs' counsel agrees to accept service of the subpoena on behalf of Swatch Group (U.S.), Inc.

4. By December 15, 2010, Plaintiffs will produce to Defendants a re-redacted set of the "investigator" e-mails referenced at the November 16, 2010 conference with the Court.

5. By December 15, 2010, Plaintiffs will notify Defendants whether or not Plaintiffs made any purchases of product from Defendants for which Plaintiffs have not already produced documents, and, if such documents exist, will produce responsive non-privileged documents by December 17, 2010.

6. By December 21, 2010, the parties will reach agreement on search terms to be used in searching for relevant e-mails. If the parties fail to reach agreement by that date, then the parties may each submit a short letter to the Court on the subject by December 29, 2010.

7. By December 15, 2010, plaintiffs will produce to Defendants any additional non-privileged documents not already produced concerning the creation, application, ownership and/or assignment of the copyright in the United States in the Omega Globe Design.

8. The parties agree to the following deadlines with respect to discovery on all issues other than issues pertaining to Defendants' Amended Counterclaims 2 – 4 ("Antitrust Discovery"), as to which discovery has been stayed by Judge Mauskopf pending resolution of Plaintiffs' motion to dismiss:

- a) All documents shall be exchanged no later than March 1, 2011.
- b) All party depositions shall be completed by May 15, 2011.

c) All non-party depositions shall be completed by May 30, 2011. No further fact discovery will be permitted after May 30, 2011.

d) All expert discovery shall be completed by August 30, 2011.


9. Pre-motion conference applications with respect to anticipated summary judgment motions relating to any claim, affirmative defense, or counterclaim other than Defendants' Amended Counterclaims 2 – 4 shall be made by September 30, 2011. The foregoing is without prejudice to any party's right to seek leave of Court to file a summary judgment motion on any one or more issues at any time.

10. Subject to the Court's approval, the parties may make application to amend this Order.

Dated: Ossining, New York  
December 1, 2010


COLLEN IP

*Attorneys for Plaintiffs and Counterclaim-  
Defendants Swatch S.A. and Omega S.A., and for  
Counterclaim-Defendants The Swatch Group S.A.  
and The Swatch Group (U.S.), Inc.*

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Dated: New York, New York  
December 1, 2010

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SO-ORDERED in Brooklyn, New York on \_\_\_\_\_, 2010

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U.S.M.J.